

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

BRONSON SHELLEY SCDC#353229
PLAINTIFF,
V.

COMPLAINT
CIVIL ACTION
NO. _____

BRYAN P. STIRLING, MICHAEL McALL,
WARDEN MR RILEY, ASSOC. WARDEN MS.
THOMPSON, MAJOR MR. JACKSON, CAPTAIN
MS. HOLSINGER, LT. MR. BELL, LT. TRAVIS
REESE, LT. MS. HOUSTEN, LT. MR. MARONE,
LT. MS. FLEMMING, SGT. SHELBA RIGHT,
SGT. MS. TRIBBLE, MR. GOODSON, MS.
GIBSON, S.M.U. OFFICER BOUYAN, INDIVIDUALLY
AND IN THEIR OFFICIAL CAPACITIES,
DEFENDANTS.

II. JURISDICTION & VENUE

1. THIS IS A CIVIL ACTION AUTHORIZED BY 42 U.S.C. SECTION 1983 THE DEPRIVATION, UNDER COLOR OF STATE LAW, OF RIGHTS SECURED BY THE CONSTITUTION OF THE UNITED STATES. THE COURT HAS JURISDICTION UNDER 28 U.S.C. SECTION 1331 AND 1343 (2) (3). PLAINTIFF SEEKS DECLARATORY RELIEF PURSUANT TO 28 U.S.C. SECTION 2201 AND 2202. PLAINTIFF'S CLAIMS FOR INJUNCTIVE RELIEF ARE AUTHORIZED BY 28 U.S.C. SECTION 2283 AND 2284 AND RULE 65 OF THE FEDERAL RULES OF CIVIL PROCEDURE.
2. THE U.S. DISTRICT COURT, DISTRICT OF SOUTH CAROLINA IS AN APPROPRIATE VENUE UNDER 28 U.S.C. SECTION 1391 (b) (2) BECAUSE IT IS WHERE THE EVENTS GIVING RISE TO THIS CLAIM OCCURED.

(1)

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II PLAINTIFFS

3. PLAINTIFF, BRONSON SHELLEY SCDC #353229, IS AND WAS AT ALL TIMES MENTIONED HEREIN A PRISONER OF THE STATE OF SOUTH CAROLINA IN THE CUSTODY OF THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS. HE IS CURRENTLY CONFINED IN LIEBER CORRECTIONAL INSTITUTION, IN RIDGEVILLE, SOUTH CAROLINA.

III DEFENDANTS

4. DEFENDANT, BRYAN P. STIRLING IS THE AGENCY DIRECTOR OF THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS. HE IS LEGALLY RESPONSIBLE FOR THE OPERATIONS OF THE DEPARTMENT AND EACH INSTITUTION UNDER ITS JURISDICTION, INCLUDING KIRKLAND R&E CORRECTIONAL INSTITUTION.

5. DEFENDANT, MICHAEL MCCALL IS THE DEPUTY DIRECTOR OF THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS. HE IS LEGALLY RESPONSIBLE FOR THE OPERATIONS OF THE DEPARTMENT AND EACH INSTITUTION UNDER ITS JURISDICTION, INCLUDING KIRKLAND R&E CORRECTIONAL INSTITUTION.

6. DEFENDANT, MR. RILEY IS THE WARDEN OF KIRKLAND R&E CORRECTIONAL INSTITUTION. HE IS LEGALLY RESPONSIBLE FOR THE OPERATION OF KIRKLAND R&E CORRECTIONAL INSTITUTION AND FOR THE WELFARE OF ALL THE INMATES IN THAT PRISON.

7. DEFENDANT, MS. THOMPSON IS THE ASSOCIATE WARDEN OF KIRKLAND R&E CORRECTIONAL INSTITUTION. SHE IS LEGALLY RESPONSIBLE FOR THE OPERATION OF KIRKLAND R&E CORRECTIONAL INSTITUTION AND FOR THE WELFARE OF ALL INMATES IN THAT PRISON.

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SALUDA

8. DEFENDANT, MR. JACKSON IS A CORRECTIONAL OFFICER OF SOUTH CAROLINA DEPARTMENT OF CORRECTIONS WHO, AT ALL TIMES MENTIONED IN THIS COMPLAINT, HELD THE RANK OF MAJOR AND WAS ASSIGNED TO KIRKLAND R&E CORRECTIONAL INSTITUTION.

9. DEFENDANT, MS. HOLSINGER IS A CORRECTIONAL OFFICER OF SOUTH CAROLINA DEPARTMENT OF CORRECTIONS WHO, AT ALL TIMES MENTIONED IN THIS COMPLAINT, HELD THE RANK OF ~~CAPTAIN~~ AND WAS ASSIGNED TO KIRKLAND R&E CORRECTIONAL INSTITUTION.

10. DEFENDANT, MR. BELL IS A CORRECTIONAL OFFICER OF SOUTH CAROLINA DEPARTMENT OF CORRECTIONS WHO, AT ALL TIMES MENTIONED IN THIS COMPLAINT, HELD THE RANK OF LIEUTENANT AND WAS ASSIGNED TO KIRKLAND R&E CORRECTIONAL INSTITUTION.

11. DEFENDANT, TRAVIS REESE IS A CORRECTIONAL OFFICER OF SOUTH CAROLINA DEPARTMENT OF CORRECTIONS WHO, AT ALL TIMES MENTIONED IN THIS COMPLAINT, HELD THE RANK OF LIEUTENANT AND WAS ASSIGNED TO KIRKLAND R&E CORRECTIONAL INSTITUTION.

12. DEFENDANT, MS. HOUSTEN IS A CORRECTIONAL OFFICER OF SOUTH CAROLINA DEPARTMENT OF CORRECTIONS WHO, AT ALL TIMES MENTIONED IN THIS COMPLAINT, HELD THE RANK OF LIEUTENANT AND WAS ASSIGNED TO KIRKLAND R&E CORRECTIONAL INSTITUTION.

13. DEFENDANT, MS. FLEMMING IS A CORRECTIONAL OFFICER OF SOUTH CAROLINA DEPARTMENT OF CORRECTIONS WHO, AT ALL TIMES MENTIONED IN THIS COMPLAINT, HELD RANK OF LIEUTENANT AND WAS ASSIGNED TO KIRKLAND R&E CORRECTIONAL INSTITUTION.

14. DEFENDANT, MS. FLEMMING IS A CORRECTIONAL OFFICER OF SOUTH CAROLINA DEPARTMENT OF CORRECTIONS WHO, AT ALL TIMES MENTIONED IN THIS COMPLAINT HELD THE RANK OF LIEUTENANT AND WAS ASSIGNED TO KIRKLAND R&E CORRECTIONAL INSTITUTION.

15. DEFENDANT, MR. MARONE IS A CORRECTIONAL OFFICER OF SOUTH CAROLINA DEPARTMENT OF CORRECTIONS WHO, AT ALL TIMES MENTIONED IN THIS COMPLAINT HELD THE RANK OF LIEUTENANT AND WAS ASSIGNED TO KIRKLAND R&E CORRECTIONAL INSTITUTION.

16. DEFENDANT, MR. BOUVAN IS A CORRECTIONAL OFFICER OF SOUTH CAROLINA DEPARTMENT OF CORRECTIONS WHO, AT ALL TIMES MENTIONED IN THIS COMPLAINT, HELD THE RANK OF ~~OFFICER~~ AND WAS ASSIGNED TO SUPER MAX (S.M.U.) SPECIAL MANAGEMENT UNIT AT KIRKLAND R&E CORRECTIONAL INSTITUTION.

17. DEFENDANT, SHELBA RIGHT IS A CORRECTIONAL OFFICER OF SOUTH CAROLINA DEPARTMENT OF CORRECTIONS WHO, AT ALL TIMES MENTIONED IN THIS COMPLAINT, HELD THE RANK OF SARGENT AND WAS ASSIGNED TO KIRKLAND R&E CORRECTIONAL INSTITUTION.

18. DEFENDANT, MS. TRIBBLE IS A CORRECTIONAL OFFICER OF SOUTH CAROLINA DEPARTMENT OF CORRECTIONS WHO, AT ALL TIMES MENTIONED IN THIS COMPLAINT, HELD THE RANK OF SARGENT AND WAS ASSIGNED TO KIRKLAND R&E CORRECTIONAL INSTITUTION.

19. DEFENDANT, MR. GOODSON IS A MENTAL HEALTH STAFF OF SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, WHO, AT ALL TIMES MENTIONED IN THIS COMPLAINT, HELD THE POSITION OF MENTAL HEALTH COUNSELOR AND WAS ASSIGNED TO KIRKLAND R&E CORRECTIONAL INSTITUTION.

20. DEFENDANT, MS. GIBSON IS A MENTAL HEALTH STAFF, WHO, AT ALL TIMES MENTIONED IN THIS COMPLAINT, HELD THE POSITION OF MENTAL HEALTH COUNSELOR AND WAS ASSIGNED TO KIRKLAND R&E CORRECTIONAL INSTITUTION.

21. EACH DEFENDANT IS SUED INDIVIDUALLY AND IN HIS OR HER OFFICIAL CAPACITY. AT ALL TIMES MENTIONED IN THIS COMPLAINT EACH DEFENDANT ACTED UNDER COLOR OF STATE LAW.

III. FACTS

1. ON AUGUST 2, 2016 PLAINTIFF BRONSON SHELLEY S.C.D.C. #353229 WAS PLACED ON CRISIS INTERVENTION AND TRANSFERRED TO KIRKLAND R&E HOUSING UNIT F-1 CELL LOCATION #114. BRONSON SHELLEY THE PLAINTIFF IS A MENTAL HEALTH PATIENT AND SUFFERS FROM DEPRESSION. CRISIS INTERVENTION IS A MENTAL HEALTH PROCEDURE FOR INMATES EXHIBITING SUICIDAL BEHAVIOR. THESE INMATES ARE HOUSED IN A SUICIDAL PROOF CELL AND MONITERED BY A CAMERA. THEY ARE GIVEN ~~A~~ SUICIDE SMOCK AND OR A SUICIDE BLANKET. THEY ~~CELLS~~ ARE COMPLETELY STRIPPED OUT AND SEARCHED BY SECURITY STAFF. THE INMATES PLACED ON CRISIS INTERVENTION ARE MONITERED EVERY 15 MINUTES BY CORRECTIONAL OFFICERS AND MENTAL HEALTH STAFF. THE INMATES ARE COMPLETELY STROPPED NAKED AND SEARCHED. THEY ARE NOT ALLOWED ANY CLOTHES OR CROCKS (FOOTWEAR).

2. THE PLAINTIFF WAS PLACED ON CRISIS INTERVENTION AT LIEBER CORRECTIONAL INSTITUTE, BUT BECAUSE OF LACK OF AVAILABLE (C.I.) CRISIS INTERVENTION CELLS AT LIEBER CORR. INST. THE PLAINTIFF WAS TRANSFERRED TO KIRKLAND

R&E CORRECTIONAL INSTITUTION AND WAS PLACED IN F-1 DORM. IN (C.I.) CRISIS INTERVENTION OBSERVATION CELL # 114, BECAUSE OF LACK OF AVAILABLE C.I. CELLS AT LIEBER CORRECTIONAL INSTITUTION.

3. ON AUGUST 11, 2016 PLAINTIFF WAS TRANSFERRED FROM C.I. CELL # 114 TO C.I. CELL # 109. A FEW HOURS LATER LT. BELL, LT. TRAVIS REESE, LT. HOUSTEN, AND OFFICER BOYAN WHO'S RANK IS UNKNOWN BUT WAS ASSIGNED TO THE SPECIAL MANAGEMENT UNIT (S.M.U.) IN SUPERMAX CAME TO ESCORT THE PLAINTIFF TO C.I. CELL # 110.

4. ON AUGUST 11, 2016 THE PLAINTIFF WHILE BEING ESCORTED FROM C.I. CELL # 109 TO C.I. # 110 BY LT. BELL, LT. TRAVIS REESE, LT. HOUSTEN WHO OPERATED THE CAMERA AND S.M.U. OFFICER BOYAN WAS CHOKED FROM BEHIND UPON ENTERING THE CELL AND PICKED UP BY MULTIPLE OFFICERS AND FORCEFULLY SLAMMED ONTO THE CONCRETE FLOOR. DUE TO THE AMOUNT OF EXCESSIVE FORCE USED MALICIOUSLY AND SADISTICALLY FOR THE PURPOSE OF CAUSING HARM, PLAINTIFF'S LEFT SHOULDER WAS IMMEDIATELY DISLOCATED AND FRACTURED UPON IMPACT AND LODGED INTO HIS ARMPIT. THE PLAINTIFF WAS THEN STRUCK MULTIPLE TIMES IN THE BACK AND IN THE BACK OF THE HEAD AND JUMPED ON BY ESCORTING OFFICER'S. PLAINTIFF BEING IN EXCRUCIATING PAIN SCREAMED "MY ARM IS BROKEN, MULTIPLE TIMES AT WHICH POINT OFFICER'S REALIZING THE PLAINTIFF WAS INCAPACITATED RETREATED FROM THE CELL AND SECURED THE DOOR.

5. THE FORCE USED BY THESE PRISON OFFICIALS WAS NOT APPLIED IN GOOD FAITH IN AN EFFORT TO MAINTAIN OR RESTORE DISCIPLINE BUT WAS APPLIED MALICIOUSLY

AND SADISTICALLY FOR THE PURPOSE OF CAUSING HARM. THE WAS EXCESSIVE IN IT'S AMOUNT AND WAS APPLIED IN AN ABSCENSE OF AN IMMEDIATE THREAT; IN VIOLATION POLICY & PROCEDURE OP 22.01 & HS 19.08. MENTAL HEALTH CLINICAL COUNSELORS WERE NOT NOTIFIED PRIOR TO THE PLANNED USE OF FORCE TO REQUEST ASSISTANCE IN AVOIDING THE NECESSITY OF SUCH FORCE AND MANAGING THE CONDUCT OF INMATES WITH MENTAL ILLNESS; IN VIOLATION OF OP 22.01 & HS 19.08 RELAVENT POLICIES, PLANS AND STANDARDS. NO INCIDENT REPORT WAS MADE AND PLAINTIFF WAS DENIED MEDICAL ATTENTION FOR SERIOUS MEDICAL NEEDS, FOR A PERIOD OF OVER 24 HOURS FURTHER CAUSING AN UNNECESSARY AND WANTON INFLECTION OF PAIN.

6. THE OFFICER'S PRESENT CRIMINALLY CONSPIRED TO ERASE AND SUPPRESS ALL EVIDENCE OF THIS INCIDENT. VARIOUS MENTAL HEALTH, MEDICAL, & SECURITY STAFF DELIBERATELY DENIED PLAINTIFF HIS RIGHT TO ADEQUATE MEDICAL TREATMENT, CONSTITUTING ~~(REDACTED)~~ ~~THE~~ THE "UNNECESSARY AND WANTON INFLECTION OF PAIN," PROSCRIBED BY THE EIGHTH AMENDMENT.

ESTELLE V. GAMBLE, 429 U.S. 97, 104-105 (1976).

BY SHOWING DELIBERATE INDIFFERENCE TO THE PLAINTIFFS SERIOUS MEDICAL NEEDS. FOR A PERIOD OF OVER 24 HOURS, EVEN THOUGH PLAINTIFF WAS IN A CRISIS INTERVENTION CELL WITH AN OBSERVATION WINDOW AND CAMERA AND WAS MONITERED PHYSICALLY EVERY 15 MININUTES BY CORRECTION OFFICER'S, MENTAL HEALTH TECHNICIANS, AND MEDICAL STAFF WHO COME AROUND FOR MEDICATION DISTRIBUTION. (SEE: ATTACHMENT (A), (B), (C), AFFIDAVIT, (D), (F)

7. PLAINTIFF SUFFERED INJURIES TO THE EXTENT BUT NOT LIMITED TO A DISLOCATED SHOULDER, A BROKEN HUMEROUS BONE, WHICH WAS CHIPPED AND FRACTURED, A HILL-SACHS LESION AND BANKART DEFORMITIES, AN EDEMA (BRUISED) TENDON, TORN MUSCLES, LIGAMENTS AND TENDONS, SLEEP DEPRIVATION, SEVERE BACK PAIN, TRAUMA, ANXIETY, PARANOIA, DEPRESSION, AND POST-TRAUMATIC STRESS DISORDER, NIGHTMARES, AND A LOSS OF APPETITE. (SEE ATTACHMENT (E) (1))

8. ON AUGUST 12, 2016 PLAINTIFF WAS ADMITTED INTO PALMETTO BAPTIST HEALTH HOSPITAL ERB - EMERGENCY DEPARTMENT FOR SEDATION AND SHOULDER DISLOCATION REDUCTION PERFORMED BY DOCTOR SARAH ELIZABETH BROEKER, D.O. ... AN X-RAY EXAM WAS TAKEN ON 8/12/16 FRONTAL AND OBLIQUE VIEWS OF THE LEFT SHOULDER DEMONSTRATE ANTEROINFERIOR DISLOCATION. DEFECT IN BOTH THE HUMERAL HEAD AND THE GLENOID COMPATIBLE WITH HILL-SACHS AND BANKART DEFORMITIES. IMPRESSION: ANTEROINFERIOR DISLOCATION WITH HILL-SACHS AND BANKART LESIONS, READ BY JASON C. LYNN MD (VERIFICATION) 8/15/16 (08:08) TECHNOLOGIST WHO PERFORMED EXAM KATHERINE I. TURNER RT (R). ON 8/12/16 AT 16:52 ORDERED BY SARAH ELIZABETH BROEKER D.O., ON 8/12/16 AT 15:28 HUNDRED HOURS. (SEE ATTACHMENT (E) (2))

9. ER LEFT SHOULDER VIEWS PERFORMED BY KATHERINE I. TURNER RT (R) 8/12/16 AT 17:35 FOR VERIFICATION COMPARISON PATIENT'S STATUS POST-REDUCTION. TECHNIQUE AP AND TRANSCAPULAR V-VIEWS OF LEFT SHOULDER COMPARED TO PREVIOUS STUDY FOUND THERE IS A HILL-SACHS IMPACTION FRACTURE OF THE POSTERIOR HUMERAL HEAD AND THE PREVIOUS DISLOCATION HAS

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BEEN REDUCED. THERE IS ALSO MILD AC JOINT
 ATHLETIC CHANGES. IMPRESSION: THE PATIENT IS
 STATUS POST REDUCTION OF A LEFT SHOULDER
 DISLOCATION WITH NEAR ANATOMIC ALIGNMENT.
 THERE IS A HILL-SACHS IMPACTION FRACTURE. READ
 AND RELEASED BY PAUL M. AITCHISON MD ON
 8/14/16 AT 13:14 HUNDRED HOURS. (SEE ATTACHMENT (E)(4))

10. ON SEPTEMBER 19, 2016 PLAINTIFF WAS DENIED
 ADMITTANCE AT KIRKLAND R&E CORRECTIONAL INST.
 AT THE FRONT GATE AT A SCHEDULED MEDICAL
 APPOINTMENT WHILE IN FULL RESTRAINTS WHICH
 INCLUDES, SHACKLES WITH AN ADDITIONAL CHAIN ATTACHED
 TO A BELLY CHAIN & HANDCUFFS AND AN ADDITIONAL PAIR
 OF HANDCUFFS AND SECURITY BLACK BOX WHICH LEAVES
 HANDS IMMOBILE. PLAINTIFF WAS TOLD HE WAS DENIED
 ADMITTANCE AND PROCEEDED TO LIE DOWN ON THE
 GROUND ON HIS BACK. PLAINTIFF'S BROKEN SHOULDER
 WAS ALSO IN AN ARM SLING AND SECURE TO HIS
 BODY BY A MEDICAL IMMOBILIZATION BAND.
 FIRST RESPONSE WAS NOTIFIED BY FRONT GATE PERSONNEL
 AND PLAINTIFF WAS FORCEFULLY REMOVED FROM FRONT
 AND GATE AREA AND PLACED BACK ON THE TRANSPORTATION
 VAN. PLAINTIFF WAS HANDCUFFED TO THE VAN'S FLOOR
 BY HIS SHACKLES AND WAS CHOKED AND THREATENED
 THAT HE WOULD BE KILLED BY OFFICER ESTRADA. LT.
 GARVIN WHO WAS PRESENT ALONG WITH OTHER OFFICERS
 TOLD OFFICER ESTRADA TO STOP CHOKING THE PLAINTIFF
 TO WHICH HE COMPLIED AFTER ABOUT 30 SECONDS. THIS
 USE OF FORCE WAS EXCESSIVE AND WAS APPLIED IN THE ABSENCE
 OF AN IMMEDIATE THREAT WITHOUT NOTIFYING MENTAL HEALTH
 IN VIOLATION OF OP 22.01 & HS 19.08. (SEE ATTACHMENT (B))

11. ON 10/24/16 OCTOBER 24, 2016 THE PLAINTIFF WAS TAKEN TO IMAGE CARE FOR AN M.R.I. EXAM AND COMPARED TO PREVIOUS EXAMINATION ON 8/12/16. THE FINDINGS WERE THE LEFT SHOULDER DISLOCATION IS REDUCED WITH THE GLENOHUMERAL JOINT SPACE NOTED TO BE IN ANATOMIC ALIGNMENT AND POSITION. THE HILL SACHS DEFORMITY DESCRIBED IS AGAIN DEMONSTRATED. IMPRESSION: ANTERIOR DISLOCATION REDUCED WITH A RESIDUAL HILL SACHS DEFORMITY NOTED. BY ALAN B. KANTSIPER, M.D. 10/26/16
~~CONFIDENTIAL~~ (SEE ATTACHMENT (E)(6))

12. ON 8/12/16 TIMOTHY P. CLOSE, M.D. PERFORMED AN EXAM AT S.C.D.C. KIRKLAND I.C.S., S.C.D.C. BEFORE PLAINTIFF WAS TAKEN TO PALMETTO BAPTIST HEALTH HOSPITAL AND FOUND: THERE IS AN ANTERIOR INFERIOR DISLOCATION OF THE LEFT HUMERAL HEAD WITH RESPECT TO THE GLENOID, WITH DEFORMITY AT THE POSTEROLATERAL HUMERAL HEAD CONSISTENT WITH HILL-SACHS DEFORMITY. BANKART LESION CANNOT BE EXCLUDED. NO ADDITIONAL FRACTURES OR SUBLUXATIONS ARE SEEN. THE ACROMIOCLAVICULAR JOINT AND CLAVICLE APPEAR INTACT. IMPRESSION:

1. ANTERIOR INFERIOR LEFT SHOULDER DISLOCATION
2. SUSPECTED SMALL HILL-SACHS DEFORMITY. THESE RESULTS WERE SENT TO IMAGE...

4:24 P.M. AND WAS LATER SUPPRESSED BY MAJOR JACKSON
WHEN PLAINTIFF ATTEMPTED AN INFORMAL RESOLUTION,
MAJOR JACKSON RESPONDED VIA REQUEST OF STAFF FORM
THAT THE INCIDENT NEVER OCCURED. (SEE ATTACHMENT (E))
~~THE FOLLOWING INFORMATION WAS OBTAINED FROM THE~~
~~MAJOR JACKSON REQUEST FORM~~

THE FOLLOWING INFORMATION IS FOR YOUR INFORMATION. (SEE ATTACHMENT (E))
 (1) THE ABOVE INFORMATION IS FOR YOUR INFORMATION. (SEE ATTACHMENT (E))
 FOR YOUR INFORMATION, THE FOLLOWING INFORMATION IS FOR YOUR INFORMATION.
 (2) THE ABOVE INFORMATION IS FOR YOUR INFORMATION. (SEE ATTACHMENT (E))
 FOR YOUR INFORMATION, THE FOLLOWING INFORMATION IS FOR YOUR INFORMATION.
 (3) THE ABOVE INFORMATION IS FOR YOUR INFORMATION. (SEE ATTACHMENT (E))
 FOR YOUR INFORMATION, THE FOLLOWING INFORMATION IS FOR YOUR INFORMATION.

IV. EXHAUSTION OF LEGAL REMEDIES

13. ON AUGUST 16, 2016 PLAINTIFF FILED GRIEVANCE FOR EXCESSIVE FORCE DELIBERATE INDIFFERENCE AND GROSS NEGLIGENCE. A COPY OF THIS GRIEVANCE WAS FORWARDED TO THE OFFICE OF INSPECTOR GENERAL POLICE SERVICES FOR REVIEW. PLAINTIFF WAS NEVER INTERVIEWED BY POLICE SERVICES AND THE MATTER WAS CLOSED, DUE TO THE FACT THAT PLAINTIFF NEVER FILED AN INFORMAL RESOLUTION ON A 19-11 REQUEST OF STAFF FORM. PLAINTIFF WAS TOLD TO FILE AN INFORMAL RESOLUTION TO MAJOR JACKSON AT KIRKLAND R&E CORRECTIONAL INSTITUTION V.I.A. INTER-DEPARTMENTAL MAIL, AND THEN IF AN INFORMAL RESOLUTION COULD NOT BE REACHED TO REFILE GRIEVANCE PER KCI-677-16, ECI-417-17 KCI-459-17, & BRCI-0530-17. (SEE ATTACHMENT (A), (C), (D))

14. ON MAY 4, 2017 PLAINTIFF REFILED GRIEVANCE AND WAS TOLD NOT TO MENTION OFFICERS NAMES INVOLVED BY MS. SHERRIE FERRELL, INMATE GRIEVANCE COORDINATOR AT KIRKLAND R&E CORRECTIONAL INSTITUTION. PLAINTIFF GAVE MS. FERRELL INFORMAL RESOLUTION RESPONSE FROM MAJOR JACKSON AND REFILED GRIEVANCE TO BE FILED.

15. ON JUNE 23, 2017 PLAINTIFF ^{(SEE: ATTACHMENT (C))} RECEIVED A MEMORANDUM FROM THE OFFICE OF GENERAL COUNSEL INMATE GRIEVANCE BRANCH GRIEVANCE NUMBER: BRCI-0530-17 STATING THAT MY GRIEVANCE NUMBER KCI-0530-17 ON MAY 4, 2017 REGARDING THIS MATTER WAS MISPLACED, IN A GROSS MISCARRIAGE OF JUSTICE AND AN ATTEMPT TO FURTHER SUPPRESS THIS ISSUE. THEREFORE MY GRIEVANCE WAS CLOSED.

PLAINTIFF'S INFORMAL RESOLUTION RESPONSE FROM MAJOR JACKSON WAS ALSO INTENTIONALLY MISPALED.
(SEE: ATTACHMENT (D))

V. LEGAL CLAIMS

16. PLAINTIFF REALLEGE AND INCORPORATE BY REFERENCE PARAGRAPHS 1-15.

17. THE DEFENDANT TRAVIS REESE LIEUTENANT'S USE OF EXCESSIVE FORCE VIOLATED PLAINTIFF'S RIGHTS, AND CONSTITUTED CRUEL AND UNUSUAL PUNISHMENT UNDER THE EIGHTH AMENDMENT OF THE UNITED STATES CONSTITUTION.

18. THE DEFENDANT TRAVIS REESE LIEUTENANT'S ~~USE OF EXCESSIVE FORCE~~ DELIBERATE INDIFFERENCE TO PLAINTIFF'S SERIOUS MEDICAL NEEDS VIOLATED PLAINTIFF'S RIGHTS, AND CONSTITUTED THE "UNNECESSARY AND WANTON INFLICTION OF PAIN", OF CRUEL AND UNUSUAL PUNISHMENT PROSCRIBED UNDER THE EIGHTH AMENDMENT OF THE UNITED STATES CONSTITUTION.

19. THE DEFENDANT MR. BELL LIEUTENANT'S USE OF EXCESSIVE FORCE VIOLATED PLAINTIFF'S RIGHTS, AND CONSTITUTED CRUEL AND UNUSUAL PUNISHMENT UNDER THE EIGHTH AMENDMENT OF THE UNITED STATES CONSTITUTION.

20. THE DEFENDANT MR. BELL LIEUTENANT'S ~~USE OF EXCESSIVE FORCE~~ DELIBERATE INDIFFERENCE TO PLAINTIFF'S SERIOUS MEDICAL NEEDS VIOLATED PLAINTIFF'S RIGHTS, AND CONSTITUTED THE "UNNECESSARY AND WANTON INFLICTION OF PAIN", OF CRUEL AND UNUSUAL PUNISHMENT PROSCRIBED UNDER THE EIGHTH AMENDMENT OF THE UNITED STATES CONSTITUTION.

21. THE DEFENDANT MR. BOUNAN SPECIAL MANAGEMENT UNIT OFFICER'S USE OF EXCESSIVE FORCE VIOLATED PLAINTIFF'S RIGHTS, AND CONSTITUTED CRUEL AND UNUSUAL PUNISHMENT UNDER THE EIGHTH AMENDMENT OF THE UNITED STATES CONSTITUTION.
22. THE DEFENDANT MR. BOUNAN SPECIAL MANAGEMENT UNIT OFFICER'S DELIBERATE INDIFFERENCE TO PLAINTIFF'S SERIOUS MEDICAL NEEDS VIOLATED PLAINTIFF'S RIGHTS, AND CONSTITUTED THE "UNNECESSARY AND WANTON INFLECTION OF PAIN," OF CRUEL AND UNUSUAL PUNISHMENT PROSCRIBED UNDER THE EIGHTH AMENDMENT OF THE UNITED STATES CONSTITUTION.
23. THE DEFENDANT MS. HOUSTEN LIEUTENANT'S DELIBERATE INDIFFERENCE TO PLAINTIFF'S SERIOUS MEDICAL NEEDS VIOLATED PLAINTIFF'S RIGHTS, AND CONSTITUTED THE "UNNECESSARY AND WANTON INFLECTION OF PAIN," OF CRUEL AND UNUSUAL PUNISHMENT PROSCRIBED UNDER THE EIGHTH AMENDMENT OF THE UNITED STATES CONSTITUTION.
24. THE DEFENDANT MS. FLEMMING LIEUTENANT'S DELIBERATE INDIFFERENCE TO PLAINTIFF'S SERIOUS MEDICAL NEEDS VIOLATED PLAINTIFF'S RIGHTS, AND CONSTITUTED THE "UNNECESSARY AND WANTON INFLECTION OF PAIN," OF CRUEL AND UNUSUAL PUNISHMENT PROSCRIBED UNDER THE EIGHTH AMENDMENT OF THE UNITED STATES CONSTITUTION.
25. THE DEFENDANT SHELBA RIGHT SARGENT'S DELIBERATE INDIFFERENCE TO PLAINTIFF'S SERIOUS MEDICAL NEEDS VIOLATED PLAINTIFF'S RIGHTS, AND CONSTITUTED THE "UNNECESSARY AND WANTON INFLECTION

OF PAIN", OF CRUEL AND UNUSUAL PUNISHMENT PROSCRIBED UNDER THE EIGHTH AMENDMENT OF THE UNITED STATES CONSTITUTION.

26. THE DEFENDANT MR. MARONE LIEUTENANT'S DELIBERATE INDIFFERENCE TO PLAINTIFF'S SERIOUS MEDICAL NEEDS VIOLATED PLAINTIFF'S RIGHTS AND CONSTITUTED THE "UNNECESSARY AND WANTON INFLECTION OF PAIN", OF CRUEL AND UNUSUAL PUNISHMENT PROSCRIBED UNDER THE EIGHTH AMENDMENT OF THE UNITED STATES CONSTITUTION.

27. THE DEFENDANT MS. TRIBBLE SARGENT'S DELIBERATE INDIFFERENCE TO PLAINTIFF'S SERIOUS MEDICAL NEEDS VIOLATED PLAINTIFF'S RIGHTS, AND CONSTITUTED THE "UNNECESSARY AND WANTON INFLECTION OF PAIN", OF CRUEL AND UNUSUAL PUNISHMENT PROSCRIBED UNDER THE EIGHTH AMENDMENT OF THE UNITED STATES CONSTITUTION.

28. THE DEFENDANT MR. GOODSON MENTAL HEALTH CLINICAL COUNSELOR'S DELIBERATE INDIFFERENCE TO PLAINTIFF'S SERIOUS MEDICAL NEEDS VIOLATED PLAINTIFF'S RIGHTS AND CONSTITUTED THE "UNNECESSARY AND WANTON INFLECTION OF PAIN", OF CRUEL AND UNUSUAL PUNISHMENT PROSCRIBED UNDER THE EIGHTH AMENDMENT OF THE UNITED STATES CONSTITUTION.

29. THE DEFENDANT MS. GIBSON MENTAL HEALTH CLINICAL COUNSELOR'S DELIBERATE INDIFFERENCE TO PLAINTIFF'S SERIOUS MEDICAL NEEDS VIOLATED PLAINTIFF'S RIGHTS AND CONSTITUTED THE "UNNECESSARY AND WANTON

INFLICTION OF PAIN", OF CRUEL AND UNUSUAL PUNISHMENT PROSCRIBED UNDER THE EIGHTH AMENDMENT OF THE UNITED STATES CONSTITUTION.

30. THE DEFENDANT BRYAN P. STIRLING AGENCY DIRECTOR OF THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS. HE IS LEGALLY RESPONSIBLE FOR THE OPERATIONS OF THE DEPARTMENT AND EACH INSTITUTION UNDER ITS JURISDICTION, INCLUDING KIRKLAND R&E CORRECTIONAL INSTITUTION. HE IS LEGALLY RESPONSIBLE FOR THE CONDUCT OF HIS EMPLOYEES AND THE WELFARE OF ALL INMATES IN THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS. HE IS LEGALLY RESPONSIBLE FOR THE USE OF EXCESSIVE FORCE CARRIED OUT BY HIS CORRECTION OFFICERS AT KIRKLAND R&E CORRECTIONAL INSTITUTION WHICH IS UNDER HIS JURISDICTION, WHICH VIOLATED PLAINTIFF'S RIGHTS, AND CONSTITUTED CRUEL AND UNUSUAL PUNISHMENT PROSCRIBED UNDER THE EIGHTH AMENDMENT OF THE UNITED STATES CONSTITUTION.

31. THE DEFENDANT BRYAN P. STIRLING AGENCY DIRECTOR OF THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, IS LEGALLY RESPONSIBLE FOR THE OPERATIONS OF THE DEPARTMENT AND EACH INSTITUTION UNDER ITS JURISDICTION, INCLUDING KIRKLAND R&E CORRECTIONAL INSTITUTION. HE IS LEGALLY RESPONSIBLE FOR THE CONDUCT OF THE ~~CORRECTION~~ EMPLOYEES, AND THE WELFARE OF ALL THE INMATES (SCDC) SOUTH CAROLINA DEPARTMENT OF CORRECTIONS AT EACH INSTITUTION UNDER ITS JURISDICTION INCLUDING KIRKLAND R&E CORRECTIONAL INSTITUTION. HE IS LEGALLY RESPONSIBLE FOR THE DELIBERATE INDIFFERENCE SHOWED BY HIS EMPLOYEES, MEDICAL STAFF, MENTAL HEALTH STAFF, & CORRECTION OFFICERS. ASSIGNED TO KIRKLAND.

R&E CORRECTIONAL INSTITUTION, WHICH IS UNDER ITS JURISDICTION, WHICH VIOLATED PLAINTIFF'S RIGHTS AND CONSTITUTED THE "UNNECESSARY AND WANTON INFLECTION OF PAIN" AND CRUEL AND UNUSUAL PUNISHMENT PROSCRIBED UNDER THE ~~EIGHTH~~ EIGHTH AMENDMENT OF THE UNITED STATES CONSTITUTION.

32. THE DEFENDANT, MR. MICHAEL McCALL IS THE DEPUTY DIRECTOR OF THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS. HE IS LEGALLY RESPONSIBLE FOR THE OPERATIONS OF THE DEPARTMENT AND EACH INSTITUTION UNDER ITS JURISDICTION INCLUDING KIRKLAND R&E CORRECTIONAL INSTITUTION AND THE CONDUCT OF ITS EMPLOYEES AND CORRECTIONAL OFFICERS AND THE WELFARE OF ALL THE INMATES IN THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS. HE IS LEGALLY RESPONSIBLE FOR THE EXCESSIVE FORCE CARRIED OUT BY HIS CORRECTIONS OFFICERS, WHICH VIOLATED THE ~~PLAINTIFF'S~~ PLAINTIFF'S RIGHTS, AND CONSTITUTED THE "UNNECESSARY AND WANTON INFLECTION OF PAIN," OF CRUEL AND UNUSUAL PUNISHMENT PROSCRIBED UNDER THE EIGHTH AMENDMENT OF THE UNITED STATES CONSTITUTION.

33. THE DEFENDANT, MR. McCALL IS THE DEPUTY DIRECTOR OF THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS. HE IS LEGALLY RESPONSIBLE FOR THE ~~DEPARTMENT~~ OPERATIONS OF THE DEPARTMENT AND EACH INSTITUTION UNDER ITS JURISDICTION INCLUDING KIRKLAND R&E CORRECTIONAL INSTITUTION AND THE CONDUCT OF ITS EMPLOYEES AND CORRECTIONAL OFFICERS, AND THE WELFARE OF ALL THE INMATES IN (SCDC) SOUTH CAROLINA DEPARTMENT OF CORRECTIONS AT EACH INSTITUTION UNDER ITS JURISDICTION INCLUDING KIRKLAND R&E CORRECTIONAL INSTITUTION.

HE IS LEGALLY RESPONSIBLE FOR THE DELIBERATE INDIFFERENCE SHOWED BY HIS EMPLOYEES, MEDICAL STAFF, MENTAL HEALTH STAFF; & CORRECTIONS OFFICERS ASSIGNED TO KIRKLAND R&E CORRECTIONAL INSTITUTION, WHICH VIOLATED PLAINTIFF'S RIGHTS AND CONSTITUTED THE "UNNECESSARY AND WANTON INFLECTION OF PAIN"; PROSCRIBED UNDER THE EIGHTH AMENDMENT OF THE UNITED STATES CONSTITUTION.

34. THE DEFENDANT, MR. RILEY WAS THE WARDEN OF THE KIRKLAND R&E CORRECTIONAL INSTITUTION WHEN THE EVENTS DESCRIBED HEREIN ARISED AND IS LEGALLY RESPONSIBLE FOR THE CONDUCT OF THE CORRECTIONS OFFICERS AND THE WELFARE OF ALL THE INMATES IN THAT PRISON. HE IS LEGALLY RESPONSIBLE FOR THE USE OF EXCESSIVE FORCE APPLIED BY THE CORRECTIONS OFFICERS WHICH VIOLATED PLAINTIFF'S RIGHTS, AND CONSTITUTED THE "UNNECESSARY AND WANTON INFLECTION OF PAIN", AND CRUEL AND UNUSUAL PUNISHMENT PROSCRIBED UNDER THE EIGHTH AMENDMENT OF THE UNITED STATES CONSTITUTION.

35. THE DEFENDANT, MR. RILEY WAS THE WARDEN OF THE KIRKLAND R&E CORRECTIONAL INSTITUTION WHEN THE EVENTS DESCRIBED HEREIN ARISED AND IS LEGALLY RESPONSIBLE FOR THE CONDUCT OF THE EMPLOYEES, MEDICAL STAFF, MENTAL HEALTH STAFF, & CORRECTIONAL OFFICERS ASSIGNED TO KIRKLAND R&E CORRECTIONAL INSTITUTION, AND THE WELFARE OF ALL THE INMATES IN THAT PRISON. HE IS LEGALLY RESPONSIBLE FOR THE DELIBERATE INDIFFERENCE SHOWED BY EMPLOYEES, MEDICAL STAFF, MENTAL HEALTH STAFF, & CORRECTIONAL OFFICERS, WHICH VIOLATED PLAINTIFF'S RIGHTS, AND CONSTITUTED THE "UNNECESSARY AND WANTON INFLECTION OF PAIN", PROSCRIBED UNDER THE EIGHTH AMENDMENT OF THE UNITED STATES CONSTITUTION.

36. THE DEFENDANT, MS. THOMPSON IS THE ASSOCIATE WARDEN OVER SECURITY AT KIRKLAND R&E CORRECTIONAL. SHE IS LEGALLY RESPONSIBLE FOR THE CONDUCT OF THE CORRECTIONAL OFFICERS, AND THE WELFARE OF ALL THE THE INMATES IN THAT PRISON. SHE IS LEGALLY RESPONSIBLE FOR THE USE OF EXCESSIVE FORCE APPLIED BY CORRECTIONS OFFICERS WHICH VIOLATED PLAINTIFF'S RIGHTS, AND CONSTITUTED THE "UNNECESSARY AND WANTON INFLICTION OF PAIN", AND CRUEL AND UNUSUAL PUNISHMENT PROSCRIBED UNDER THE EIGHTH AMENDMENT OF THE UNITED STATES CONSTITUTION.

37. THE DEFENDANT, MS. THOMPSON IS THE ASSOCIATE WARDEN OVER SECURITY AT KIRKLAND R&E CORRECTIONAL INSTITUTION. SHE IS LEGALLY RESPONSIBLE FOR THE CONDUCT OF THE CORRECTIONS OFFICERS, AND THE WELFARE OF ALL THE INMATES IN THAT PRISON. SHE IS LEGALLY RESPONSIBLE FOR THE DELIBERATE INDIFFERENCE SHOWED BY THE CORRECTIONS OFFICERS, WHICH VIOLATED THE PLAINTIFF'S RIGHTS, AND CONSTITUTED THE "UNNECESSARY AND WANTON INFLICTION OF PAIN", ~~AND~~ CRUEL AND UNUSUAL PUNISHMENT PROSCRIBED UNDER THE EIGHTH AMENDMENT OF THE UNITED STATES CONSTITUTION.

38. THE DEFENDANT, MR. JACKSON IS THE MAJOR ASSIGNED OVER SECURITY AT THE KIRKLAND R&E CORRECTIONAL INSTITUTION. HE IS LEGALLY RESPONSIBLE FOR THE CONDUCT OF THE CORRECTIONS OFFICERS, AND THE WELFARE OF ALL THE INMATES IN THAT PRISON. HE IS LEGALLY RESPONSIBLE FOR THE USE OF EXCESSIVE FORCE APPLIED BY CORRECTIONS OFFICERS, WHICH VIOLATED THE PLAINTIFF'S RIGHTS, AND CONSTITUTED THE "UNNECESSARY AND WANTON INFLICTION OF PAIN", AND CRUEL AND UNUSUAL PUNISHMENT PROSCRIBED UNDER THE EIGHTH AMENDMENT OF THE UNITED STATES CONSTITUTION.

39. THE DEFENDANT, MR. JACKSON IS THE MAJOR ASSIGNED OVER SECURITY AT THE KIRKLAND R&E CORRECTIONAL INSTITUTION. HE IS LEGALLY RESPONSIBLE FOR THE CONDUCT OF THE CORRECTIONS OFFICERS, AND THE WELFARE OF ALL THE INMATES IN THAT PRISON. HE IS LEGALLY RESPONSIBLE FOR THE DELIBERATE INDIFFERENCE SHOWED BY THE CORRECTIONS OFFICERS WHICH VIOLATED THE PLAINTIFF'S RIGHTS, AND CONSTITUTED THE "UNNECESSARY AND WANTON INFLICTION OF PAIN", AND CRUEL AND UNUSUAL PUNISHMENT PROSCRIBED UNDER THE EIGHTH AMENDMENT OF THE UNITED STATES CONSTITUTION.

40. THE DEFENDANT, MS. HOLSINGER IS THE CAPTAIN ASSIGNED OVER SECURITY AT KIRKLAND R&E CORRECTIONAL INSTITUTION. SHE IS LEGALLY RESPONSIBLE FOR THE CONDUCT OF THE CORRECTIONS OFFICERS, AND THE WELFARE OF ALL THE INMATES IN THAT PRISON. SHE IS LEGALLY RESPONSIBLE FOR THE USE OF EXCESSIVE FORCE APPLIED BY CORRECTIONS OFFICERS, WHICH VIOLATED PLAINTIFF'S RIGHTS, AND CONSTITUTED THE "UNNECESSARY AND WANTON INFLICTION OF PAIN", AND CRUEL AND UNUSUAL PUNISHMENT PROSCRIBED UNDER THE EIGHTH AMENDMENT OF THE UNITED STATES CONSTITUTION.

41. THE DEFENDANT, MS. HOLSINGER IS THE CAPTAIN ASSIGNED OVER SECURITY AT THE KIRKLAND R&E CORRECTIONAL INSTITUTION. SHE IS LEGALLY RESPONSIBLE FOR THE CONDUCT OF THE CORRECTIONS OFFICERS, AND FOR THE WELFARE OF ALL THE INMATES IN THAT PRISON. SHE IS LEGALLY RESPONSIBLE FOR THE ~~DELIBERATE INDIFFERENCE~~ ~~SHOWED~~ BY THE CORRECTIONS OFFICERS, WHICH VIOLATED PLAINTIFF'S RIGHTS, AND CONSTITUTED THE "UNNECESSARY AND WANTON INFLICTION OF PAIN", AND CRUEL AND UNUSUAL PUNISHMENT PROSCRIBED, UNDER THE EIGHTH AMENDMENT OF THE UNITED STATES CONSTITUTION.

42. THE PLAINTIFF HAS NO PLAIN, ADEQUATE OR COMPLETE REMEDY AT LAW TO REDRESS THE WRONGS DESCRIBED HEREIN. PLAINTIFF HAS BEEN AND WILL CONTINUE TO BE IRREPARABLY INJURED BY THE CONDUCT OF THE DEFENDANTS UNLESS THIS COURT GRANTS THE DECLARATORY AND INJUNCTIVE RELIEF WHICH PLAINTIFF SEEKS.

VI. PRAYER FOR RELIEF

WHEREFORE, PLAINTIFF RESPECTIVELY PRAYS THAT THIS COURT ENTER JUDGEMENT GRANTING PLAINTIFF:

43. A DECLARATION THAT THE ACTS AND OMISSIONS DESCRIBED HEREIN VIOLATED PLAINTIFF'S RIGHTS UNDER THE CONSTITUTION AND LAWS OF THE UNITED STATES.

44. A PRELIMINARY AND PERMANENT INJUNCTION ORDERING DEFENDANTS, BRYAN P. STIRLING, MICHAEL McCALL, MR. RILEY, MS. THOMPSON, MR. JACKSON, MS. HOLSINGER, MR. BELL, TRAVIS REESE, MR. BOWAN, MS. HOUSTEN, MR. MARDONE, MS. FLEMMING, MS. SHELBA RIGHT, MRS. TRIBBLE, MR. GOODSON, MS. GIBSON TO STOP THE USE OF FORCE IN THE ABSCENSE OF A REASONABLY PERLIEVED IMMEDIATE THREAT, TO STOP THE USE OF EXCESSIVE FORCE, TO ^{STOP} SHOWING DELIBERATE INDIFFERENCE TO PRISONERS SERIOUS MEDICAL NEEDS, TO NOTIFY MENTAL HEALTH PRIOR TO AUTHORIZING THE USE OF FORCE ON MENTAL HEALTH PATIENTS AS OUTLINED ACCORDING TO POLICY, PLANS, AND PROCEDURES OP 22.01 & HS 19.08.

45. COMPENSATORY DAMAGES IN THE AMOUNT OF \$ 1,000,000 AGAINST EACH DEFENDANT.

46. A JURY TRIAL ON ALL ISSUES TRIABLE BY JURY.

47. PLAINTIFF'S COSTS IN THIS SUIT.

48. ANY ADDITIONAL RELIEF THIS COURT DEEMS

(20)

LEGAL MAIL

JUST, PROPER AND EQUITABLE.

DATED: AUGUST 8, 2018

RESPECTFULLY SUBMITTED,

BRONSON SHELLEY SCDL#353229

LIEBER CORR. INST. / RHU-A-120

P.O. BOX 205

RIDGEVILLE, S.C. 29472

VERIFICATION

I HAVE READ THE FOREGOING COMPLAINT AND
HEREBY VERIFY THAT THE MATTERS ALLEGED ON
INFORMATION AND BELIEF, AND, AS TO THOSE ~~REDACTED~~
I BELIEVE THEM TO BE TRUE. I CERTIFY UNDER
PENALTY OF PERJURY THAT THE FOREGOING IS TRUE
AND CORRECT.

EXECUTED AT RIDGEVILLE, SOUTH CAROLINA ON
AUGUST 8, 2018

Bronson Shelley
BRONSON SHELLEY

(21)

LEGAL MAIL
SALUDA